

REMARKS

Claims 1 – 39 are pending in the present application. Claims 3, 8, 16 – 18, 20 – 22, and 37, have been amended, leaving Claims 1 – 39 for consideration upon entering the present amendment.

Claims 3, 16 – 18, and 37, have been amended to correct subscripts and/or for consistency of language, e.g., to change “at least one” to “a” or “an” since in a comprising claim, “a” and “an” mean at least one.

Claim 8 has been amended merely to correct its dependency.

Claims 20 – 22 have been amended to make the language of Claims 20 – 23 consistent.

No new matter has been added by these amendments.

Restriction Requirement

Applicants would first like to thank the Examiner for her time on July 12, 2007. During a telephone conversation the Examiner explained that she needed an election of one of Claims 7 – 10, and election of one of the elements in the groups of Claims 16 and 37, and one of Claims 21 – 24. However, Claim 7 and 8 both claim different Markush groups. Hence, an element of each group has been elected below.

The Examiner contends that this application contains claims directed to the following patentably distinct species: forensic analytical technique selected from resonance spectroscopy methods, SEM-EDX, XPS-EPCA, with each of the method also a different specie (claim 7) luminescence spectroscopy, fluorescence spectroscopy, etc. (claim 8) with fluorescence and luminescence spectroscopy being one species, color spectrophotometry and visual observation – another species, electronic spectroscopy (?) – third species, vibrational spectroscopy – forth species; NMR spectroscopy in combination with luminescence (claim 9); and NMR spectroscopy in combination with visual (claim 10). The species are independent or distinct, because they are different analytical spectroscopic methods, each of which has different nature and requires a separate search. Applicants are required to elect a single disclosed species. Currently, Claim 1 is generic.

Pursuant to 35 U.S.C. §121 the Examiner requires restriction. Applicants hereby elect resonance spectroscopy methods as the forensic analytical technique (Claim 7) and fluorescence spectroscopy as the dynamic analytical technique (Claim 8). Claim 1 is generic, and Claims 2 – 8 and 11 – 31 read on these elections.

The Examiner also contends that this application contains claims directed to the following patentability distinct species: authentication marker selected from group listed in claims 16 and 37. The species are independent or distinct, because they are different substituents with different properties and requiring different search. Applicants are required to elect a single disclosed species. Currently, Claims 1 and 36 are generic.

Pursuant to MPEP §§806.04, 806.05(c), 806.05(d), 808.01, and 35 U.S.C. §121 the Examiner requires restriction. Applicants hereby elect “substituted phenol groups” as the forensic authentication marker. Claims 1 and 36 are generic. Since this election merely chooses a member of the markush group, and since no claims further narrow the markush group, all claims are included in this election.

The Examiner further contends that this application contains claims directed to the following patentability distinct species: miscible polymer selected from the group listed in claims 20-24. The species are independent or distinct, because they are different polymers requiring different search. Applicants are required to elect a single disclosed species. Currently, Claim 20 is generic.

Pursuant to 35 U.S.C. §121 the Examiner requires restriction. Applicants hereby elect Claim 22, DMBPC as the miscible polymer. Claim 20 (and hence independent Claim 1) are generic, and Claims 2 – 21 and 23 – 31 read on this election. It is also note, however, that Claims 21, 22, and 24 also read on this election because Claim 22 states that the miscible polymer “comprises” the DMBPC, and hence can further comprise additional miscible polymers, as is further supported by the language of Claim 20 “and combinations comprising at least one of the foregoing miscible polymers”.

The above elections are being made without prejudice to Applicants' rights with respect to the non-elected claims and species, including the right to file divisional application(s) thereon.

If there are any charges with respect to this Restriction Requirement, or otherwise, please charge them to Deposit Account No. 07-0893

Respectfully submitted,

CANTOR COLBURN LLP

By: /Pamela J. Curbelo/
Pamela J. Curbelo
Registration No. 34,676
Customer No. 43248

Date: July 13, 2007
Telephone: (860) 286-2929